

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Brandice Elliott, Case Manager
 Joel Lawson, Associate Director Development Review
DATE: July 15, 2014
SUBJECT: BZA Case 18800, 625 Park Road, N.W.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends **denial** of the following:

- § 401.3, minimum lot dimensions (900 square feet/unit required, 406 square feet/unit proposed);
- § 404.1, rear yard (20 feet required, 0 feet proposed);
- § 406.1, closed courts (15 feet required, 10 feet proposed); and
- § 2001.3, nonconforming structures.

The Zoning Administrator has indicated that additional relief may be required for the proposed conversion. Given that the addition is not an existing condition of the property, relief from § 403, lot occupancy, would be required for the proposed addition. The applicant has been notified of the need for additional relief, but has not requested it as part of the application; therefore, OP has not provided an analysis for the potential lot occupancy relief. However, OP would not typically support relief for lot occupancy, particularly in this case, where there appear to be no unique constraints, and the relief would permit a large, out of character addition.

II. LOCATION AND SITE DESCRIPTION

Address	695 Park Road, N.W.
Legal Description	Square 3038, Lot 97
Ward	1, 1A
Lot Characteristics	The rectangular lot is 16,654 square feet in area, with a frontage of 116.87 feet. The rear of the property, also 116.87 feet in length, abuts a public alley that is 23.50' in width. The lot abuts existing row dwellings to the east and west.
Zoning	R-4 – row dwellings and flats
Existing Development	Place of worship, permitted in this District
Historic District	The property is not located in a historic district; however, the Historic Preservation Review Board recently designated the church as a historic landmark.

Adjacent Properties	To the east and west are existing row dwellings. To the north, across the public alley, lies an apartment building consisting of 23 units. To the south, across Park Road, are the Park Morton Apartments, providing 174 units on 149,383 square feet of property and began development prior to the 1958 Zoning Regulations.
Surrounding Neighborhood Character	The surrounding neighborhood character is generally row dwellings and flats, particularly on Park Road. Multi-family structures are also located in the neighborhood, including one on Newton Place, which appears to be adjacent to flats. The Park Morton Housing development is located south of the subject site. The commercial corridor on Georgia Avenue is located approximately one block west of the subject site.

III. APPLICATION IN BRIEF

The proposed development would convert an existing church with recently approved landmark status into a multi-family building consisting of 15 units. As part of the conversion, an addition, having an additional 26 units, would be constructed on the same property and attached to the church by a “meaningful connection.” As a result, there would be a total of 41 units with this development. While the Zoning Regulations require 900 square feet per unit, the proposed conversion and addition would provide 406 square feet per unit.

A total of 14 parking spaces would be required for the proposed conversion; eight would be provided on the site. The applicant has indicated that there is a 20 space parking credit for this property, six of which would be used by this development to comply with the parking requirement. The proposed development would close an existing curb cut on Park Road, requiring the parking spaces provided on the site to be accessed by the public alley located north of the property.

In discussing the proposed “meaningful connection” with the Zoning Administrator, it was indicated that what has been proposed (as shown on page four of the architectural drawings) would not be considered “meaningful.” In order to be considered a means of communication¹, the connection would be required to function as a pedestrian hallway, offering an entrance and exit on either side of the connection. This could be easily remedied by providing a door or alcove on either end of the corridor; in discussion with OP, the applicant indicated this could be achieved.

The Zoning Administrator has also indicated that additional relief for lot occupancy would be required for the proposed development. Any existing nonconformities related to the church would be reviewed under § 2001.3, nonconforming structures; however, the addition to the conversion would require relief for lot occupancy, which causes the overall calculation to exceed the 60% permitted in the R-4 District. The applicant has not requested relief for this, so OP has not provided an analysis.

¹ The definition of “Building,” § 199, references the need for communication between separate portions of a structure, which is the basis of a “meaningful connection.” **Building** – a structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel. When separated from the ground up or from the lowest floor up, each portion shall be deemed a separate building, except as provided elsewhere in this title. The **existence of communication** between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building. [emphasis added]

IV. ZONING REQUIREMENTS and RELIEF REQUESTED

R-4 Zone	Regulation	Existing	Proposed	Relief
Height § 400	40 ft. max.	38.42 ft.	39.92 ft.	None required
Lot Width § 401	None prescribed	116.9 ft.	116.9 ft.	None required
Lot Area § 401	For conversion of an existing building: 900 SF/unit min.	16,654 sf. (would permit conversion to 18 units)	406 SF/unit	Required
Floor Area Ratio § 402	None prescribed	--	--	None required
Lot Occupancy § 403	> of 60% or lot occupancy as of date of conversion	33%	69%	Not requested
Rear Yard § 404	20 ft. min.	0 ft.	0 ft.	Required
Side Yard § 405	3 in/ft. of height; > 8 ft. min.	9.75 ft.	9.75 ft.	None required
Open Court § 406	10 ft. min.	--	12 ft.	None required
Closed Court § 406	13.3 ft., 356 sf.	--	10 ft., 350 sf.	Required

V. OFFICE OF PLANNING ANALYSIS

a. Variance Relief

i. Exceptional Situation Resulting in a Practical Difficulty

Minimum Lot Dimension (§ 401)

With a lot area of 16,654 square feet, the Zoning Regulations would permit the proposed church conversion to consist of 18 units at 900 square feet per unit. The proposed development intends to provide a total of 41 units, resulting in 406 square feet per unit - 23 more units than permitted by the Zoning Regulations.

The applicant has suggested that the recently landmarked church on the property is a uniqueness that results in a practical difficulty. Because of the landmark designation, alterations that had been originally planned for the redevelopment of this property, including a third floor addition and increase in the building footprint, are no longer feasible. The designation requires that the exterior of the church remain intact, that an area amounting to 4,680 square feet around the church be preserved as open space, and that certain design features of the church, such as the windows, remain unchanged.

However, the existing building presents an opportunity rather than a practical difficulty. A vacant property in the R-4 District could only be developed in accordance with the Zoning Regulations, which would consist of rowhouse flat dwellings. In the present proposal, the applicant has not demonstrated that there is a uniqueness associated with the historic building that leads to a practical

difficulty, thereby justifying the large addition, particularly when 18 units would be permitted with a matter of right conversion.

Page four of the Prehearing Statement lists several BZA cases that have received approval from the Board for conversions consisting of less than 900 square feet per unit, as justification for the proposed relief. Although the cases represent some of the more recent church to residence conversions, they are not necessarily similar to the present request. For example, cases that were supported by OP, including 1000 East Capitol Street, N.E. (14527), 819 D Street N.E. (18724) and 501 E Street, S.E. (14712), proposed to convert an existing structure without adding to the building footprint, which, unlike the present request, meets the intent of the conversion provisions. Moreover, each request for a variance must be justified on its own merits and must demonstrate a practical difficulty specific to the property in question.

OP recognizes that there are some design features of the landmark that pose challenges for the conversion, so modest additions that would better utilize the site, improve circulation, add amenities, or allow the structure to comply with building code may be justified. OP would also be supportive of dividing the vacant portion of the property into lots for the development of row dwellings in addition to the conversion of the church. It is estimated that dividing the properties into lots that comply with development regulations would yield up to six lots that could accommodate flats – an additional 12 units. A development of this scale and size would be more compatible with the neighborhood than what has been proposed, and meets the intent of the R-4 District, which is intended to accommodate row dwellings and flats, and not new apartment buildings.

The applicant has also provided a statement from a realtor in the Prehearing Statement (Exhibit A), detailing the need for condominiums of the proposed sizes in the District of Columbia. The statement does not address the need for the number of units that have been proposed, nor does it provide a financial argument for the proposed number of units. While there is a market demand for new apartments, there is also a very strong demand for rowhouse /flat buildings, which provide housing options for families in DC, and thereby providing to a greater degree housing options and opportunities for a wider segment of the population. OP believes that the market needs can be achieved while reducing the size and density of the addition to a proposal more consistent with the intent of the R-4 District and the existing building conversion provision.

Rear Yard (§404)

The proposed addition would not provide a rear yard, similar to the existing church. The applicant has indicated that the addition must abut the rear property line to allow for continuity of the structure.

The applicant has not identified a practical difficulty that would justify the need for rear yard relief as it applies to the proposed addition. The church is an existing structure that would obtain relief under § 2001 for nonconforming structures. The new structure would be situated on a portion of the property measuring approximately 56 feet by 142.5 feet, which amounts to 7,980 square feet – a substantial size for what is intended by zoning to be developed as row houses or flats. It would be feasible to design an addition within the parameters of the development regulations that would

function as intended by the Zoning Regulations, although the density would not be as high as proposed.

Closed Court (§ 406)

The proposed closed court would be 10 feet wide and 356 square feet in area, where 13.33 feet in width and 350 square feet in area is required. The applicant indicates that if widened, the courts would create odd spaces in abutting units. In addition, the existing church limits the proposed addition, in that increasing the court width would reduce the square foot area of residential units and the overall efficiency of the addition.

An exceptional situation resulting in practical difficulty has not been established for the requested court relief. The developer has simply designed a building that is too large for the lot on which it is located, resulting in the need for relief. The aggregate lot occupancy of the proposed addition and existing church exceed that which is permitted in the R-4 District, and a total of 41 units are proposed for the redevelopment, which is 23 more than what is permitted on this lot. A court compliant with the regulations could be provided if the proposed addition was scaled back to a more appropriate size for the lot.

Nonconforming Structures (§2001)

The applicant has requested relief that would permit the existing nonconformities of the church. The existing structure currently provides no rear setback, a condition that would continue to exist once it has been converted into residential units.

The applicant has demonstrated that there is an exceptional situation resulting in a practical difficulty that relates to the existing church structure. The church was constructed in 1905 and modified in 1920 with an addition that extends to the rear property line, resulting in the provision of no rear yard. The construction of both the church and the addition predate the 1958 Zoning Regulations, and are existing nonconformities that will be incorporated into the proposed development. Given its landmark designation, the exterior elevations will remain intact, with repairs made where necessary. Historic Preservation has received an application for concept review for the proposed development, and will ensure that the integrity of the landmark is preserved.

ii. No Substantial Detriment to the Public Good

The applicant has provided several letters of support from neighbors located on Park Road, including the immediate neighbors that would be most impacted, as well as Morton Street, Lamont Street, Kenyon Street, New Hampshire Avenue, and Georgia Avenue. At the time of this writing, OP was aware of at least one ANC member supporting the proposed conversion and addition.

However, the proposed development would cause detriment to the public good because it has not been designed in a way that respects the existing development pattern of the neighborhood. For example, the proposed addition would be pushed in front of the established front setback that has been provided by the row dwellings located to the west of the church. A more transitional setback, where the front of the addition lies between the row dwellings and church would be more appropriate in terms of urban design. In addition, the proposed density exceeds the intent of the R-4

District and could negatively impact the neighborhood character and overall quality of life for the residents.

iii. No Substantial Harm to the Zoning Regulations

The conversion and proposed addition would impair the intent of the Zoning Regulations. The Zoning Regulations explicitly state that the R-4 District is intended for row dwellings and flats, and “shall not be an apartment house district as contemplated under the General Residence (R-5) Districts, since the conversion of existing structures shall be controlled by a minimum lot area per family requirement (§ 330.3).” Essentially, the property is too small for the proposed use. A text amendment, approved in 2007, was drafted to reinforce the lower density character of the R-4 District, and to help preserve the intent to stabilize the row dwelling aspects of the R-4 Districts. The intent of the conversion provision was not to allow unfettered conversions or out of character additions to permit as many units as desired, but rather to limit the extent of the conversions. While there are larger apartment buildings in the area, the neighborhood is predominantly row dwellings, and the conversion and addition proposed with this application would further increase the number of units in the neighborhood, which is contrary to the goal of the R-4 District.

VI. COMMENTS OF OTHER DISTRICT AGENCIES

As of the date of this writing, comments from other District Agencies had not been received.

VII. COMMUNITY COMMENTS

As of the date of this writing, OP has not received any comments from the community or ANC. The applicant has provided letters of support from several neighbors, and OP is aware of one ANC member that supports the proposed conversion and addition.

Attachment: Location Map

Location Map

